

# EXHIBIT A

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1 Scott R. Mosko (State Bar No. 106070)  
2 FINNEGAN, HENDERSON, FARABOW,  
3 GARRETT & DUNNER, L.L.P.  
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ENDORSED FILED

06 JUN 12 AM 8:00

KIRI TORRE  
CHIEF EXEC. OFFICER/CLERK  
SUPERIOR COURT OF CA.  
COUNTY OF SANTA CLARA  
BY D. Kontorovsky DEPUTY

COPY

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SANTA CLARA

13 THEFACEBOOK, INC.

14 Plaintiff,

15 v.

16 CONNECTU LLC, CAMERON WINKLEVOSS,  
17 TYLER WINKLEVOSS, HOWARD  
18 WINKLEVOSS, DIVYA NARENDRA, AND  
19 DOES 1-25,

20 Defendants.

CASE NO. 105 CV 047381

ANSWER OF DEFENDANT  
CONNECTU LLC TO COMPLAINT

1 Comes now Defendant, CONNECTU LLC, hereinafter referred to as "this answering  
2 Defendant," and answering the unverified Complaint of THEFACEBOOK, INC. on file herein,  
3 admits, denies, and alleges as follows:

4 This answering Defendant denies each and every, all and singular, generally and specifically,  
5 the allegations in said Complaint and each cause of action therein.

6 Further answering said Complaint, and each cause of action therein, this answering  
7 Defendant denies that Plaintiff has sustained damage in any sum or sums, or otherwise, due to any  
8 act or omission on the part of this answering Defendant.

9 **AFFIRMATIVE DEFENSES**

10 AS AND FOR A SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO SAID  
11 COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

12 This Complaint, and each cause of action thereof, does not state facts sufficient to constitute  
13 a cause of action against this answering Defendant.

14 AS AND FOR A SECOND SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
15 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

16 Plaintiff was at fault in and about the matters referred to in the Complaint and such fault on  
17 the part of Plaintiff proximately caused and contributed to the damages complained of, if any there  
18 were; and this answering Defendant further alleges that any fault not attributable to said Plaintiff was  
19 a result of fault on the part of persons and/or entities other than this answering Defendant.

20 AS AND FOR A THIRD SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
21 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

22 Plaintiff has directed, ordered, approved, and ratified Defendant's conduct and Plaintiff is  
23 therefore estopped from asserting any claim based thereon.

24 AS AND FOR A FOURTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
25 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

26 Plaintiff has failed and neglected to use reasonable care to minimize and mitigate the losses,  
27 injury and damage complained of, if any there were.

1 AS AND FOR A FIFTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
2 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

3 This Plaintiff is barred by virtue of Plaintiff's conduct in causing the damages alleged by  
4 Plaintiff under the doctrine of unclean hands.

5 AS AND FOR A SIXTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
6 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

7 Plaintiff's Complaint, and each cause of action thereof, fails to state a cause of action as there  
8 is no privity between the parties.

9 AS AND FOR A SEVENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
10 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

11 Plaintiff's damages, if any occurred, were caused and/or brought about by intervening and  
12 superseding causes, and were not caused by ConnectU..

13 AS AND FOR AN EIGHTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
14 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

15 The causes of action, and each of them, are barred by the doctrine of in pari delicto.

16 AS AND FOR A NINTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
17 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

18 The causes of action, and each of them, are barred by the doctrine of waiver.

19 AS AND FOR A TENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO  
20 SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

21 Plaintiff has no standing to sue as it was not the owner of the property alleged to have been  
22 appropriated.

23 AS AND FOR AN ELEVENTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE  
24 TO SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

25 Plaintiff has no standing to sue as Plaintiff had no interest in the thefacebook.com at the time  
26 of the alleged wrongful acts.

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1 AS AND FOR A TWELFTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE  
2 TO SAID COMPLAINT, AND CAUSE OF ACTION THEREOF, DEFENDANT ALLEGES:

3 Plaintiff is equitably estopped from asserting the claims set forth in its Complaint by reason  
4 of its own acts and omissions.

5 WHEREFORE, said answering Defendant prays for judgment against Plaintiff, for costs of  
6 suit incurred herein, for attorneys fees pursuant to Penal Code Section 502, and for such other and  
7 further relief as to the Court may seem just under the premises.

8  
9 Dated: June 12, 2006

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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11  
12 By: 

13 Scott R. Mosko  
14 Attorneys for Defendant  
15 ConnectU LLC  
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